

## Annual 47 C.F.R. § 64.2009(e) CPNI Certification

### EB Docket 06-36

Annual 64.2009(e) CPNI Certification for 2013 covering the prior calendar year 2012.

1. Date filed: March 1, 2013
2. Name of company(s) covered by this certification: Five 9, Inc.
3. Form 499 Filer ID: 829544
4. Name of signatory: Tom Schollmeyer
5. Title of signatory: Chief Technology Officer
6. Certification:

I, Tom Schollmeyer certify that I am an officer of the company named above, and acting as an agent of the company, that I have personal knowledge that the company has established operating procedures to ensure no violations of the Commission's CPNI rules occur. *See 47 C.F.R. § 64.2001 et seq.* Attached to this certification is an accompanying statement explaining how the company's procedures ensure that the company is in compliance with the requirements (including those mandating the adoption of CPNI procedures, training, recordkeeping, and supervisory review) set forth in section 64.2001 *et seq.* of the Commission's rules.

The company has not taken actions (i.e., proceedings instituted or petitions filed by a company at either state commissions, the court system, or at the Commission against data brokers) against data brokers in the past year. The company has not received customer complaints in the past year concerning the unauthorized release of CPNI.

The company represents and warrants that the above certification is consistent with 47. C.F.R. § 1.17 which requires truthful and accurate statements to the Commission. The company also acknowledges that false statements and misrepresentations to the Commission are punishable under Title 18 of the U.S. Code and may subject it to enforcement action.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Attachment: Accompanying Statement Explaining CPNI Procedures

## **STATEMENT REGARDING CUSTOMER PROPRIETARY INFORMATION OPERATING PROCEDURES**

### **Five9, Inc.**

Five9, Inc. ("Five9") in accordance with Section 64.2009(e), submits this statement summarizing how its operating procedures are designed to ensure compliance with the Commission's CPNI rules.

#### *Use of CPNI by Five9*

Five9 values its customers' privacy and takes measures to protect CPNI. It is Five9's policy to protect the confidentiality of its customers' information. Five9 does not use, disclose or permit access to its customers' CPNI except as such use, disclosure or access is permitted under Section 222 of the Communications Act of 1934, as amended, and the Commission's implementing rules. As necessary, Five9 may use CPNI for the permissible purposes enumerated in the Act and the Commission's rules, including, but not limited to, initiating, rendering, billing and collecting for its services. Five9 may also use CPNI to protect its rights or property. Five9 does not utilize CPNI to market its services.

Five9 employees will disclose personal data to third parties only for valid business reasons. The customer's implicit or explicit consent will be obtained when required. In addition to the execution of a nondisclosure agreement for the protection of confidential information, Five9 will require a commitment by third parties receiving CPNI to adhere to the Five9 Privacy and Data Protection policies and all related procedures to protect CPNI.

#### *Data Protection*

Five9 has written policies to protect its customer data integrity, availability and confidentiality. All employees are instructed on the proper use and protection of customer data. Further, employees are aware of express disciplinary consequences for failing to protect customer data, and are responsible for notifying their managers, who, in turn, are required to notify the Information Security Group of any potential breach. Five9 has a Data Privacy Officer in place to provide guidance to managers and users as to their responsibilities and limitations regarding the collection and distribution of personal information. Five9's Information Security Group maintains a policy of conducting security audits, to ensure that data is protected.

#### *Data Breaches*

In the event that Five9 experiences a data breach, Five9 has appointed a management representative to serve as liaison with law enforcement, as required, and to coordinate these efforts with the Information Security Group. Further, Five9 has written procedures in place to respond if a data breach takes place. Employees are instructed not to discuss a possible breach with any party outside of Five9's Information Security Group.

Five9 will maintain record of any data breach for a minimum of three years.

### *Password Protection*

Customer contracts provide for security of confidential information, including the establishment of a password to authenticate the customer's identity prior to access to CPNI. In the alternative, the customer may establish security questions upon account set-up. Further, the customer agreements require a customer to designate up to three specific customer contacts with whom Five9 may discuss issues with the customer's account. Any account inquiries from non-qualified customer contacts will be denied. All customer agreements contain strict confidentiality provisions.